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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,421	03/06/2001	Kurt Klemann	1998P05915WO	1669

466 7590 05/19/2005

YOUNG & THOMPSON  
745 SOUTH 23RD STREET  
2ND FLOOR  
ARLINGTON, VA 22202

EXAMINER
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BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/786,421

Applicant(s)

KLEMMANN ET AL.

Examiner

Alina N Boutah

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-13 and 15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 9-13 and 15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 07 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to Applicant's amendment filed March 7, 2005. Claim 14 has been cancelled. Claims 9-13 and 15 are pending in the present application.

### ***Specification***

Applicants have submitted a substitute specification, which overcomes all objections made in the previous Office action.

### ***Drawings***

Corrected drawing has been submitted therefore the objection is now withdrawn.

### ***Claim Rejections - 35 USC § 112***

Due to Applicants' amendment, the 112 rejections are now withdrawn.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 9-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,134,532 issued to Lazarus et al. (hereinafter Lazarus) in view of USPN 5,396,580 issued to Fu.

(Amended) Regarding claim 9, Lazarus teaches a method for capturing a utilization behavior of an Internet/Intranet subscriber, comprising the steps:

recording subscriber data over a specific time period (col. 26, lines 32-44); and

assigning said subscriber to a category of utilization behavior in accordance with results from said analyzing methods (abstract; col. 3, line 1).

However, although Lazarus discloses using a neural network technique (col. 20, lines 46-62; col. 24, lines 44-49), he does not explicitly teach analyzing the recorded subscriber data using at least two of the following methods: rule-based method; neural network - supervised learning; density-based profile modeling; and causal network.

Fu teaches analyzing data using a combination of rule-based method and neural network (col. 6, lines 22-50). At the time the invention was made, one of ordinary skill in the art would have been motivated to combine the neural network with the rule-based method because it allows multivariate analysis of network, thus minimizing errors.

Regarding claim 10, Lazarus teaches the method as claimed in claim 9, characterized in that the subscriber data is derived from at least one of the following data types: RADIUS data, SNMP data, TCP dump protocol data (col. 10, lines 26-35).

(Amended) Regarding claim 11, Lazarus teaches the method as claimed in claim 9, comprising the further step of performing a preprocessing step of rule-based analyzing of the subscriber data before the analyzing step (col. 3, lines 9-28).

(Amended) Regarding claim 12, Lazarus teaches the method as claimed claim 11, characterized in that the preprocessing step is performed while the subscriber data is stored in an interim storage unit before the analyzing step (figure 4).

(Amended) Regarding claim 13, Lazarus teaches the method as claimed in claim 11, characterized in that in accordance with results from said at least two analyzing methods, selection rules are automatically adjusted for the preprocessing of the subscriber data (col. 5, lines 18-25).

(Amended) Regarding claim 15, the method as claimed in claim 9, characterized in that the results from the at least two analyzing methods used in a current monitoring period and the results from the at least two analyzing methods from a past monitoring period are combined to provide a final result (col. 18, lines 28-34).

### ***Response to Arguments***

Applicant's arguments with respect to claims 9-13 and 15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

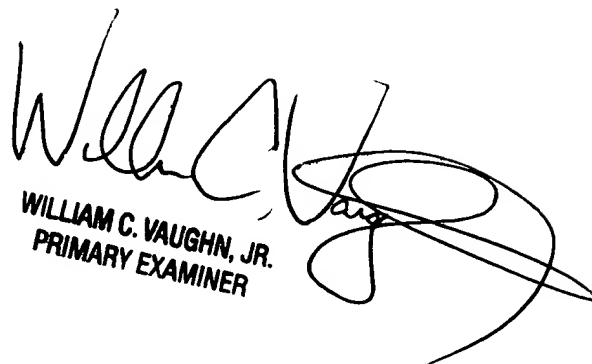
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AND

ANB

  
WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER

WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER